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FACSIMILE COVER LETTER

To: Examiner Juliet Caroline Einsmann  
Firm: United States Patent and Trademark Office  
Facsimile: 703-746-5142  
From: Ronald R. Santucci  
Date: May 16, 2003

Re: U.S. Patent Application Serial No. 09/463,209  
Applicants: Kornelia BERGHOFF et al.  
NUCLEIC ACID MOLECULE, TEST KIT AND USE  
Filed: May 12, 2000  
Group Art Unit: 1655

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Number of Pages: 7  
(including cover page)

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## ATTACHED ARE:

1. Petition For Revival of an Application for Patent Abandoned Unavoidably Under 36 C.F.R. 1.137(A);
2. Further Declaration of Ronald R. Santucci.

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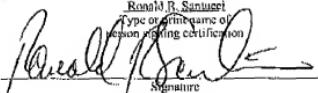
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PATENT  
930008-2003**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Kornelia BERGIIOF et al.  
Serial No. : 09/463,209  
For : **NUCLEIC ACID MOLECULE, TEST KIT AND USE**  
Filed : May 12, 2000  
Examiner : Juliet Caroline Einsmann  
Group Art Unit : 1655

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New York, NY 10151**FACSIMILE**

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May 16, 2003  
\_\_\_\_\_  
Date of Signature

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNAVOIDABLY UNDER 37 C.F.R. 1.137(A)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

This is a Petition to revive the above-identified application for unavoidable abandonment. This petition is made pursuant to a telephone conference with Examiner Einsmann and Samuel H. Megerditchian on May 14, 2003. The Examiner is thanked for the courtesies extended during the telephone conference.

PATENT  
930008-2003

The above-identified application became abandoned for an alleged failure to respond to a communication issued by the Examiner in response to Applicants' June 24, 2002 Amendment. However, the Examiner's communication was never received by the Applicants. Therefore Applicants were unaware of the communication and, consequently and unavoidably, did not attend to a response in a timely matter.

More specifically, Applicants first became aware of the Examiner's communication, and subsequent abandonment of the application, during the May 14, 2003 telephone conference with the Examiner. The Examiner kindly acknowledged that filing the instant petition would remove the abandoned status of this case. Applicants, therefore, respectfully petition for revival of this application. Included herewith is a Declaration stating that the entire delay was unavoidable.

Since this application was filed after June 8, 1995, no terminal disclaimer is required. The Commissioner is authorized to charge any fees that are required to Deposit Account No. 50-0320.

Favorable consideration of this petition, and reconsideration and withdrawal of the abandonment of this application, are earnestly requested.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP

By:

  
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